

Exhibit E

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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3 -----x

4 SARAH PALIN,

5 Plaintiff,

6 v.

7 17 Civ. 4853 (JSR)

8 THE NEW YORK TIMES COMPANY, a
9 NEW YORK corporation,

10 Conference

11 Defendant.

12 -----x
13 New York, N.Y.
14 July 7, 2017
15 11:09 p.m.

16 Before:

17 HON. JED S. RAKOFF,

18 District Judge

19 APPEARANCES

20 GOLENBOCK EISEMAN ASSOR BELL & PESKOE LLP
21 Attorneys for Plaintiff
22 BY: SHAWN PRESTON RICARDO

23 - and -

24 BAJO CUVA COHEN TURKEL
25 BY: KENNETH G. TURKEL
SHANE B. VOGT

26 LEVINE, SULLIVAN, KOCH & SCHULZ, LLP
27 Attorneys for Defendant
28 BY: DAVID A. SCHULZ
JEREMY A. KUTNER

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1 view, the statement was so out of whack with the facts
2 reported, as they report in their own news story, that no one
3 could make that kind of mistake by accident, something like
4 that?

5 MR. TURKEL: Yes, Judge, I think that's one way of
6 putting it.

7 THE COURT: Well, the reason I'm asking, I want to get
8 what you're -- it sounds like it's not a question of amending
9 the complaint. You don't have any additional facts of malice.
10 It's the facts that you've alleged in the complaint. Do I have
11 that right?

12 MR. TURKEL: Judge, yes, and I would say on top of
13 that we've alleged the elements of the tort comporting with the
14 cases that match up with those facts. So in that sense it's
15 not -- I don't think what they're saying is we haven't alleged
16 elements or we're missing the allegation. They're saying that
17 in toto, within the four corners, what we've alleged doesn't
18 give us a basis to survive a 12(b) motion.

19 THE COURT: Yes, that's what they're saying.

20 All right. So let me go back to defense counsel.
21 Since it doesn't sound like we'll have a problem with amending,
22 I would be willing to consider staying discovery if you can do
23 a lot better than two weeks. I'm not going to -- as you
24 already articulated, you know what you're arguments are.
25 You've got the whole weekend. I don't see why you need two